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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M. SHANKEN COMMUNICATIONS, INC.,

Plaintiff,

-against-

CIGAR500.COM INC., ANTHONY
MASCIANGELO, AND MONIQUE
MASCIANGELO,

Defendants.

Case No. 07-CIV-7371 (JGK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of Lisa T. Simpson, sworn to January 11, 2008, and upon the Declaration of Anthony Masciangelo, sworn to January 10, 2008, and upon the Declaration of Monique Masciangelo, sworn to January 11, 2008, and upon the accompanying memorandum of law and upon all prior pleadings and proceedings had herein, defendants Cigar500.com Inc., Anthony Masciangelo and Monique Masciangelo will move the Court before the Honorable John G. Koeltl, at the United States Courthouse, 500 Pearl Street, New York, New York as soon as counsel may be heard, for an order pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint, filed on August 17, 2007, for

lack of personal jurisdiction and for failure to state a claim upon which relief can be granted, and for such other and further relief as the Court may deem just and proper.

DATED: New York, New York
January 11, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:


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Linda A. Rosenthal
Alison F. Swap

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Cigar500.com, Inc., Anthony Masciangelo and
Monique Masciangelo

TO:

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